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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,276	01/21/2004	Min-soo Kim	249/444	1403
27849 7590 07/16/2007 LEE & MORSE, P.C. 3141 FAIRVIEW PARK DRIVE SUITE 500 FALLS CHURCH, VA 22042			EXAMINER LEBRON, JANNELLE M	
			ART UNIT 2861	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/760,276

Applicant(s)

KIM ET AL.

Examiner

Jannelle M. Lebron

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 9-18 and 27-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,19,20,36,39 and 40 is/are rejected.
- 7) ☒ Claim(s) 3-8,21-26,37 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 36, 39 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (US 2002/0060704).

3. Suzuki et al. discloses a droplet ejector comprising:

- Claim 1:

a fluid path (16 in figs. 2A-3B) through which a fluid moves, a nozzle (32 in figs. 2A-3B) being formed on one end of the fluid path;

a volumetric structure (piezoelectric element 50) formed in the fluid path and having a predetermined size (with not expanded), the volumetric structure being sensitive to an external stimulus (voltage) and being capable of varying the predetermined size (expands, as seen in fig. 3B) to eject a droplet of the fluid through the nozzle (paragraph 0019; fig. 3B); and

a stimulus generator (polarizing device 70 in fig. 6) configured to generate and apply the stimulus to the volumetric structure to vary the predetermined size of the volumetric structure (paragraph 0022) and to remove the stimulus to adjust the

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volumetric structure to the predetermined size (contract to its original size, wherein the droplet ejector is configured to eject the droplet of fluid upon application of the stimulus (paragraph 0019).

- Claim 2:

wherein the volumetric structure (50) expands in size to eject the droplet through the nozzle, and the stimulus generator applies the stimulus to the volumetric structure to expand the size of the volumetric structure (paragraph 0019).

- Claim 36:

wherein the volumetric structure (50) exhibits a non-isotropic variation in size upon application of the stimulus.

- Claim 39:

wherein the volumetric structure (50) is configured to expand to a size greater than its original size (paragraph 0019).

- Claim 40:

wherein the volumetric structure (50) is configured to contract to its original size (when removing the stimuli).

4. Claims 1, 2, 36, 39 and 40 are further rejected under 35 U.S.C. 102(b) as being anticipated by Yasukawa et al. (US Patent 6,139,132).

5. Yasukawa et al. discloses a droplet ejector comprising:

- Claim 1:

a fluid path (pressurizing chamber 1) through which a fluid moves (ink), a nozzle (5 in figs. 1 and 2) being formed on one end of the fluid path;

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a volumetric structure (piezoelectric element 11) formed in the fluid path and having a predetermined size (when not expanded), the volumetric structure being sensitive to an external stimulus (driving signal) and being capable of varying the predetermined size (expands) to eject a droplet of the fluid through the nozzle (col. 6, lines 3-34); and

a stimulus generator (that produces the driving signal) configured to generate and apply the stimulus to the volumetric structure to vary the predetermined size of the volumetric structure and to remove the stimulus to adjust the volumetric structure to the predetermined size (contract to its original size), wherein the droplet ejector is configured to eject the droplet of fluid upon application of the stimulus (col.6, lines 3-34).

- Claim 2:

wherein the volumetric structure (11) expands in size to eject the droplet through the nozzle, and the stimulus generator applies the stimulus to the volumetric structure to expand the size of the volumetric structure (col.6, lines 3-34).

- Claim 36:

wherein the volumetric structure (11) exhibits a non-isotropic variation in size upon application of the stimulus (as seen in .

- Claim 39:

wherein the volumetric structure (50) is configured to expand to a size greater than its original size (col.6, lines 3-34).

- Claim 40:

wherein the volumetric structure (11) is configured to contract to its original size (when removing the stimuli).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US 2002/0060704) in view of Torgerson et al (US 2003/0122895).

8. Suzuki discloses an ink-jet printhead, comprising:

- Claim 19:

- a substrate on which a manifold (44 in figs. 2A-3B) for supplying ink is formed;

- a barrier layer, which is stacked on the substrate and on which an ink chamber to be filled with ink to be ejected and an ink channel for providing communication between the ink chamber and the manifold are formed (as seen in figs. 2A-3B);

- a volumetric structure (50), which is formed in a position where ink moves, the volumetric structure being sensitive to an external stimulus (voltage) and being capable of varying in size (expands) to eject the ink droplet through the nozzle (32; paragraph 0019); and

- a stimulus generator (70 in fig.6), which applies a stimulus to the volumetric structure to vary a size of the volumetric structure (paragraph 0022).

- Claim 20:

wherein the volumetric structure (50) expands in size to eject the ink droplet through the nozzle (32), and the stimulus generator (70) applies the stimulus to the volumetric structure to expand the size of the volumetric structure (paragraph 0019).

Suzuki fails to teach:

- Claim 19:

a nozzle plate, which is stacked on the barrier layer and in which a nozzle, through which an ink droplet is ejected, is formed.

Torgerson et al. discloses an inkjet printhead (100 in fig. 3) comprising a nozzle plate (13 in fig.3) attached to the top of the ink barrier layer (12 in fig.13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Suzuki invention to include a nozzle plate stacked on the barrier layer as taught by Torgerson et al. for the purpose of defining the ink chambers and ink openings in a way that improves the printing quality.

Allowable Subject Matter

9. Claims 3-8, 21-26, 37 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for allowance for these claims is the inclusion of the limitations of a droplet ejector:

- Claim 3, 8 and 21:

wherein the volumetric structure (26) is formed of stimulus sensitive hydrogel.

- Claim 37:

wherein the volumetric structure is formed on a surface that defines a portion of the fluid path, and the volumetric structure expands in a first and second directions upon application of the stimulus, the first and second directions being orthogonal to each other.

It is these limitations, either alone or in combination as claimed that have not been taught, found, or suggested by prior art.

11. Claims 4-7, 21-26 and 38 are allowable subject matter due to their dependency on allowable claims.

Response to Arguments

12. Applicants' arguments filed 04/18/2007 have been fully considered but they are not persuasive.

13. Regarding applicants' argument that the Suzuki reference does not teach or suggests a droplet ejector with the claimed stimulus generator since the ejection of droplets is activated by removal of the voltage, please note that paragraph 0019 clearly discloses the droplet being discharged when the voltage is reapplied and **not** when it is removed and thus the reference meets the claim limitations as written.

14. Regarding applicants' argument that the Suzuki reference does not teach or suggests removal of the voltage to complete the droplet ejection, please note that such limitations is not found in the claim filed by the applicants; it clearly claims the droplet being discharged when the stimulus is applied.

15. Furthermore Applicants' arguments with respect to claims 1 and 19 have been considered but are moot in view of the new ground(s) of rejection [Yasukawa et al.]

16. Finally, regarding applicants' argument that the Torgerson et al. does not qualify as prior art, please note that it qualifies as prior art under 102(e) since it was filed before the foreign priority of the pending application and since they don't share a common assignee or is commonly owned, the rejection is proper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jannelle M. Lebron whose telephone number is (571) 272-2729. The examiner can normally be reached on Monday thru Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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07/09/2007


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